

Harrington Park
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
Wednesday, February 24, 2021 @ 7:00PM

Chairman McLaughlin called the meeting to order at 7:07pm.

Open Public Meeting Act Announcement: In compliance with Chapter 231, Public Law 1975, adequate notice of this meeting was made. It has been posted on the Bulletin Board in the Municipal Center. Copies have been mailed to THE RECORD, NORTHERN VALLEY PRESS, and the NORTH JERSEY SUBURBANITE. A copy has been filed with the Borough Clerk and copies have been mailed to individuals requesting the same.

Pursuant to Governor Murphy's Executive Orders #107 and 108 ordering Statewide lockdowns, and P.L. 2020, c. 34 permitting public bodies to conduct meetings via electronic means during declared states of emergency, the Regular meeting of the Borough of Harrington Park Board of Adjustment scheduled for February 24, 2021 at 7:00 p.m. will be conducted remotely from the electronic meeting platform Zoom.us. Members of the public can join the meeting and participate during the public comment period by joining the meeting using the Zoom mobile application on a smartphone or tablet, joining the meeting by laptop with microphone capabilities, or dialing in using a telephone to the Zoom teleconference system. Information on how to join the meeting electronically appears in the borough website.

CL dialed into the zoom meeting at 7:00pm and joined successfully.

ROLL CALL

| Roll Call | PRESENT | ABSENT |
|----------------------------------|--------------------|---------------|
| (RM) Chairman Richard McLAUGHLIN | X | |
| (MR) Vice Chair Michael ROTH | X | |
| (JP) John POWERS | X | |
| (RB) Robert BUDINICH | | X |
| (JC) Jin CHO | X | |
| (SL) Steve LOTT | X | |
| (SM) Stephen MARTINEZ | X | |
| (GZ) Gail ZACCARO (alternate a) | X | |
| (RF) Robert FRANK (alternate b) | X (arrived 7:14pm) | |

Also present: (JS) John Schettino, Board Attorney
(CL) Carolyn Lee, Land Use Secretary

MINUTES FOR APPROVAL

January 27, 2021 minutes

| Vote to approve the January 27, 2021 minutes | Motion | Second | Yes | No | Abstain | Absent |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | | X | X | | | |
| Gail ZACCARO (alternate a) | X | | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

INVOICES FOR APPROVAL

| | | |
|---------------------------------|----------------------------------|-------------------|
| Law Office of John L. Schettino | 31 Deal St. Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | Meeting Attendance - 1/27/2021 | \$ 150.00 |
| Law Office of John L. Schettino | 32 Deal St. Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 168 Harriot Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 102 Highland Resolution (Escrow) | \$ 250.00 |
| Law Office of John L. Schettino | 52 First Resolution (Escrow) | <u>\$ 250.00</u> |
| TOTAL | | \$1,400.00 |

| Vote to approve invoices listed subject to funding. | Motion | Second | Yes | No | Abstain | Absent |
|--|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | X | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

HEARINGS

1. 81 Lincoln Terrace - side yard setback for a generator (Christian & Mary Delouvier)
Mr. and Mrs. Delouvier were still under oath from the last meeting. They had no additional testimony. The board had no questions.

The meeting was opened to the public. There were no questions from the public. The meeting was closed to the public.

| Vote to approve the side yard variance for a generator at 81 Lincoln Terrace | Motion | Second | Yes | No | Abstain | Absent |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | X | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | | | X | | | |
| Gail ZACCARO (alternate a) | | X | X | | | |
| Robert FRANK (alternate b) | | | | | | X |

The board will incorporate the approval into a written resolution which will be adopted in the next meeting on March 24th. After it is adopted it will be published in a newspaper. Anyone who disagrees with the board’s decision and file suit to overturn it. They have 45 days to do so after publication. CL will send a copy of the written resolution to the Delouviers. The Delouviers were appreciative of the board’s work and thanked the board.

RF joined the meeting at 7:14pm.

2. 29 South Avenue - lot coverage and side yard setback for an inground pool (Mr. & Mrs. Schneider)

Elise and Dan Schneider, 29 South Avenue, Harrington Park, were sworn in. Mr. Schneider is proposing to build a swimming pool and patio in their backyard. The proposed plan encroaches on setbacks and lot coverage and they are asking for relief. The original proposed plan had a lot coverage greater than 48%. They felt it was too much to ask and brought the coverage to 48% where the permitted lot coverage is 45%. To get to the 3% over lot coverage, they would change the macadam driveway to a gravel driveway because it would not be impervious coverage. The permitted pool setback is 15ft and they are asking for 12ft 7in on one side and there are some areas where the patio encroaches on the setback. They have a small piece of property and are trying to make it work in the footprint they have. They don’t want to move and want to stay and retire in Harrington Park. They are asking for relief on those items. The site plan was shared. The current lot coverage is 46.5%. This would increase the lot coverage by 1.5%. RM asked if the Schneiders considered moving the pool toward lot 21 by a couple of feet to take away the encroachment. Mr. Schneider considered the location, but the layout is centered on the house

and pergola. If shifted over, then it would be off center and look odd. RM asked about reducing the width of the pool walkway or apron. Mr. Schneider said that they would reduce where possible, but they want room for lounge chairs and space to walk around them safely.

The board had no additional questions.

The size of the property is 6,250sf (50'x125'). The pool is 15' x 20'. The patio is 904sf. There is an existing fence along the rear. The chain link fence along lot 21 is not to code for a pool and will have to be replaced. They have not decided on the 54rr4r type of fence replacement, but think it will be the same fence type as along the back. It is a solid 4ft fence and 1ft picket fence at the top. There is existing landscaping around all sides and they plan to bring in some low plantings along the edge of the patio. The Schneiders said they cannot put this size of a pool without having variances. It is almost the size of a big spa at 300sf.

The meeting was opened to the public. Timothy Murphy, 56 Columbus Ave., Harrington Park was sworn in. Mr. Murphy and the Schneider's have been neighbors for over 20 years. He has no objection to the variances. Mr. Murphy asked about an estimated start time, duration of construction including hardscape and landscape. Mr. Schneider replied they would start as soon as possible if the board grants the approvals. If they start in May, it should be complete in August. Mr. Murphy said that he would not be against continuing the back fence around the corner for more privacy. He also noted that he would appreciate it if the wetsaw could be limited to Monday to Friday rather than Monday to Saturday. The Schneiders agreed.

CL read an email received from Rita Selby, 60 Columbus Ave. asking to be notified when the sound and soil feasibility study will be available. RM asked Schneiders about the location of the pool equipment and if they have information about the decibel level when it is in operation. Mr. Schneider said the pool equipment will be place in to back right corner where Mr. Murphy's property meets and along lot 21. It will be state of the art equipment and will be quiet. There is no blower. It is just a circulation pump. The pool doesn't have any fancy features. Mr. Schneider is going to heavily plant between the equipment set and the fence. It will be dense and most likely be evergreens. If you went 20ft away, you probably wouldn't hear it. RM asked about a soil study and if there would be an increase in run off to the neighbors.

The meeting was interrupted by a member of the public that joined the meeting. The zoom meeting was stopped and restarted.
The meeting was closed to the public.

RM asked the Schneiders to outline the proposed pool and patio. The members will go to the property individually to look at the property between this meeting and the next. They will knock on the door before they go into the back. The Schneiders agreed. The next meeting is March 24, 2021.

RESOLUTIONS

1. 168 Harriot Ave - front yard setback for an addition (Sam Keene & Elena Maris)

| Vote to approve the front yard setback variance for an addition at 168 Harriot Ave. | Motion | Second | Yes | No | Abstain | Absent |
|--|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | X | X | | | |
| Robert FRANK (alternate b) | | | | | | alt. |

2. 102 Highland Avenue - 6ft and 5ft Fence(Giuseppe Mellampe)

| Vote to approve the 6ft and 5ft fence variances at 102 Highland Ave. | Motion | Second | Yes | No | Abstain | Absent |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | X | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | | X | | | |
| Robert FRANK (alternate b) | | | | | | alt. |

3. 52 First Street - front and side yard setback and additional bedroom for an addition (Mr. & Mrs. O'Neil)

| Vote to approve the front, side and bedroom variances for the addition at 52 First St. | Motion | Second | Yes | No | Abstain | Absent |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |

| | | | | | | |
|----------------------------|---|---|---|--|--|------|
| Jin CHO | | | X | | | |
| Steve LOTT | | | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | X | X | | | |
| Robert FRANK (alternate b) | | | | | | alt. |

4. 32 Deal Street - rear and side setback for an inground pool (Mr. & Mrs. Jones)

| Vote to approve rear and side yard setback variances for an inground pool at 32 Deal St. | Motion | Second | Yes | No | Abstain | Absent |
|---|---------------|---------------|------------|-----------|----------------|---------------|
| Chairman Richard McLAUGHLIN | | | X | | | |
| Vice Chair Michael ROTH | | | X | | | |
| John POWERS | | | X | | | |
| Robert BUDINICH | | | | | | X |
| Jin CHO | | | X | | | |
| Steve LOTT | | X | X | | | |
| Stephen MARTINEZ | X | | X | | | |
| Gail ZACCARO (alternate a) | | | X | | | |
| Robert FRANK (alternate b) | | | | | | alt. |

MEETING OPEN TO THE PUBLIC

There were no members of the public present.

ADJOURN

Motion: GZ Second: JP

In favor, all said “aye”. None opposed.

Meeting adjourned at 7:40pm.

NEXT SCHEDULED ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Wednesday, March 24, 2021 at 7pm